

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

<u>MOORE</u> Plaintiff(s) v. <u>NEXT GENERATION HOSPITALITY, LLC</u> Defendant(s)	: : : : : : : : : : :	Case No. <u>1:22-cv-00548-MRB</u> Judge Michael R. Barrett JOINT DISCOVERY PLAN (RULE 26(f) REPORT) (REQUIRED FORM)
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Now come all parties to this case, by and through their respective counsel, and hereby jointly submit to the Court this Joint Discovery Plan, pursuant to the Court's Trial Procedure Order. The parties conducted their discovery conference on DECEMBER 15, 2022.

A. MAGISTRATE CONSENT

The Parties:

- ☐ unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).
- ☒ do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).
- ☐ unanimously give contingent consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c), for trial purposes only, in the event that the District Judge assigned is unavailable on the date set for trial (e.g. because of other trial settings, civil or criminal).

B. RULE 26(a) DISCLOSURES

- ☐ The parties have exchanged pre-discovery disclosures required by Rule 26(a)(1).
- ☒ The parties will exchange such disclosures by JANUARY 13, 2023
- ☐ The parties are exempt from disclosures under Rule 26(a)(1)(E).

NOTE: Rule 26(a) disclosures are not to be filed with the Court.

C. DISCOVERY ISSUES AND DATES

1. Discovery will need to be conducted on the issues of
Liability and Damages
2. The parties recommend that discovery
- ☒ need not be bifurcated
 - ☐ should be bifurcated between liability and damages
 - ☐ should be bifurcated between factual and expert
 - ☐ should be limited in some fashion or focused upon particular issues which relate to _____
3. Disclosure and report of Plaintiff(s) expert(s) by July 31, 2023
4. Disclosure and report of Defendant(s) expert(s) by August 25, 2023
5. Disclosure and report of rebuttal expert(s) by September 15, 2023
6. Disclosure of non-expert (fact) witnesses February 24, 2023
7. Discovery cutoff July 31, 2023 for fact discovery, October 6, 2023 for expert discovery

8. Anticipated discovery problems

☐ _____

☒ None

9. Describe the subjects on which discovery is to be sought and the nature, extent and scope of discovery that each party needs to: (1) make a settlement evaluation, (2) prepare for case dispositive motions, and (3) prepare for trial:

Discovery on both liability and Damages is necessary for each party to: (1) make a settlement evaluation, (2) prepare for case dispositive motions, and (3) prepare for trial

10. Discovery of Electronically Stored Information. The parties have discussed disclosure, discovery, and preservation of electronically stored information, including the form or forms in which it should be produced.

_____ Yes

☒ No

i. The parties have electronically stored information in the following formats:

None, beyond some emails

ii. The case presents the following issues relating to disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced:

None

11. Claims of Privilege or Protection. The parties have discussed issues regarding the protection of information by a privilege or the work-product doctrine, including whether the parties agree to a procedure to assert these claims after production or have any other agreements under Fed. R. Evid. 502.

☒ Yes

☐ No

i. The case presents the following issues relating to claims of privilege or of protection as trial preparation materials:

None

ii. Have the parties agreed on a procedure to assert such claims AFTER production?

☐ No

☐ Yes

☒ Yes, and the parties ask that the Court include the following agreement in the scheduling order:

The inadvertent or mistaken production or disclosure of documents or other information subject to the attorney-client privilege, the work product doctrine, or other privilege shall not be deemed a waiver of a claim of privilege, either as to the specific information disclosed or as to any other related information. If a producing party inadvertently produces or otherwise discloses to a receiving party information that is subject to such privilege or immunity, the producing party shall promptly upon discovery of such disclosure so advise the receiving party in writing and request that the inadvertently disclosed information be returned. The receiving party shall return (or destroy) all copies of the inadvertently produced material within five business days of receipt of the request. Any notes or summaries referring or relating to any inadvertently produced privileged material shall be destroyed. Nothing in this Order shall preclude the receiving party returning the inadvertently produced material from seeking an order compelling the production of information previously produced inadvertently.

D. LIMITATIONS ON DISCOVERY

1. Changes in the limitations on discovery

- ☐ Extension of time limitations (currently one day of seven hours) in taking of depositions to _____.
- ☐ Extension of number of depositions (currently 10) permitted to _____.
- ☐ Extension of number of interrogatories (currently 25) to _____.
- ☐ Other: _____.
- ☒ None

E. PROTECTIVE ORDER

- ☐ A protective order will likely be submitted to the Court on or before _____.
- ☒ The parties currently do not anticipate the need for a protective order. If the parties subsequently deem that one is necessary, they will submit a joint proposed order to the Court. Such order will be in compliance with *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F. 3d 219 (6th Cir. 1996).

F. SETTLEMENT

A settlement demand ^x has _____ has not been made.

A response ^x has _____ has not been made.

A demand can be made by _____

A response can be made by _____

G. MOTION DEADLINES

1. Motion to amend the pleadings and/or add parties by February 24, 2023
2. Motions relative to the pleadings by N/A
3. Dispositive motions by October 27, 2023

H. OTHER MATTERS PERTINENT TO MANAGEMENT OF THIS LITIGATION

Signatures: /s/ Matthew G Bruce

/s/ Joshua Engel

Attorney for Plaintiff(s)

Attorney for Defendant(s)
